Loudoun County Schools Tried To Conceal Sexual Assault Against Daughter In Bathroom, Father Says

NONE NONE

On June 22, Scott Smith was arrested at a Loudoun County, Virginia school board meeting, a meeting that was ultimately deemed an "unlawful assembly" after many attendees vocally opposed a policy on transgender students.

What people did not know is that, weeks prior, on May 28, Smith says, a boy, allegedly wearing a skirt, entered a girls' bathroom at nearby Stone Bridge High School, where he sexually assaulted Smith's ninth-grade daughter.

Juvenile records are sealed, but Scott's attorney, Elizabeth Lancaster told The Daily Wire that a boy was charged with two counts of forcible sodomy, one count of anal sodomy, and one count of forcible fellatio, related to an incident that day at that school.

As a result of the viral video showing his arrest, Smith became the poster child for what the National School Boards Association has since suggested could be a form of "domestic terrorism": a white blue-collar male who showed up to harangue obscure public servants on his local school board.

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Minutes before Smith's arrest at the school board meeting, the Loudoun County Public Schools (LCPS) superintendent lectured the public that concerns about the transgender policy were misplaced because the school system had no record of any assault occurring in any school bathroom.

Then a woman wearing a rainbow heart shirt – a left-wing community activist – told Smith she did not believe his daughter, he says. His rage reached a boil and he had a heated exchange of words with the woman. A police officer, there to keep the peace in the meeting, pulled on his arm. Smith yanked it away. Before he knew it, Smith says, he was hit in the face, handcuffed and dragged across the floor, with his pants pulled down. Images of the incident were splashed on televisions and newspapers across the world.

Buta Biberaj, the county's progressive, top elected prosecutor, who has close ties to the school board's most liberal members, appeared in court to

personally prosecute Smith for disorderly conduct and resisting arrest. Biberaj ran on a platform of ending "mass incarceration," but she wanted to put Smith in jail for the misdemeanors.

As prosecutor, Biberaj would have known about the case involving Smith's daughter. The suspect, juvenile court prosecutors assured Smith, was being held responsible: He was on house arrest, confined to his mother's townhouse. According to Lancaster, a conviction was expected on October 14, likely in the form of a guilty plea to a lesser sexual assault charge.

But on October 6, according to the Loudoun County Sheriff's Office, a 15-year-old was charged with sexual battery and abduction after police said he forced a girl into an empty classroom, held her against her will, and touched her inappropriately.

Lancaster says the suspect is the same boy that allegedly attacked Smith's daughter.

What follows, based on extensive, exclusive reporting from Loudoun County, is part of the developing story involving the Smiths and the school system.

An Incident In A School Bathroom in Loudoun County

On May 28, Stone Bridge High School called Smith to come to the school, where they told him that his 15-year-old daughter had just been in a physical altercation in a bathroom with a male, Smith says. When he

arrived, he determined that what had happened was not a case of his daughter being beaten up – it was far more serious.

The school said it was handling the incident in-house. Smith was dumbfounded.

Deputies from the sheriff's office ultimately responded to the school – *not* to investigate the alleged rape of a child – Smith said, but because school administrators called them on *him* for making a scene about it.

Smith acknowledges he did make a scene and says any father would have done the same in the situation. "I went nuts. I called the principal a p—-," he said. "Six cop cars showed up like a f—ing SWAT team" to respond to the school's complaint about an assertive parent, he said.

The police department declined to provide records from that day to The Daily Wire.

"Thank God that I drew enough attention to it, without getting arrested, that we got an escort to the hospital and they administered a rape kit that night," Smith said. A SANE exam and buccal swab, his lawyer said, later came back favorable to the prosecution's case.

At 4:48 pm on the day of the incident, the principal sent out an email to the community that claimed nothing jeopardizing student safety had occurred, painting Smith as the villain, and offering counseling services for witnesses of Smith's blowup:

> *Good evening Stone Bridge families this [sic] is Stone Bridge Principal Tim Flynn. There was an incident in the main office area today that required the Loudoun County Sheriff's Office to dispatch deputies to Stone Bridge. The incident was confined to the main office and the entrance area to the school. There was no threat to the safety of the student body. The incident was witnessed by a small number of students who were meeting with staff adjacent to the main office. Counseling services and the services of our Unified Mental Health Team are available for any student who may need to talk about today's incident. Students might have noticed Sheriff's Office personnel on campus and I wanted to let you know that something out of the ordinary happened at school today. The safety of our students and staff is the top priority of Loudoun County Public Schools.*

"LCPS washed their hands of this," Smith said, and it was taken seriously only because of the sheriff's office.

All juvenile court records are sealed. The sheriff's office declined to release records relating to Smith to The Daily Wire but, in response to a public records request, confirmed that a report with "Offense: Forcible Sodomy [and] Sexual Battery" matching that date and location exists.

LCPS Director of Communications Joan Sahlgren said only that "Any information related to student information is confidential under state and federal laws regarding student privacy."

Lancaster told The Daily Wire that she accompanied Smith's daughter to meetings with prosecutors, that the suspect made self-incriminating statements in an interview, that prosecutors brought the charges, and that a

conviction was expected imminently, likely in the form of a plea deal to a charge of felony aggravated sexual battery.

Smith had not opposed the downgrade, saying about the boy, "What if he made one mistake?"

An "Unlawful Assembly"

Smith, a plumber, and his wife Jess, who grew up as an Army brat, have always leaned conservative politically, but not terribly so. "I'm embarrassed to say I didn't really follow politics until the last few years," he said. The couple had never been to a school board meeting.

But on June 22, the school board held a meeting where the focus of discussion was a proposal expanding special protections to transgender students. They showed up out of practical concerns.

"My wife and I are gay- and lesbian-friendly," Smith told The Daily Wire. "We're not into this children transgender stuff. The person that attacked our daughter is apparently bisexual and occasionally wears dresses because he likes them. So this kid is technically not what the school board was fighting about. The point is kids are using it as an advantage to get into the bathrooms."

From the dais, school board member Beth Barts painted such concerns as paranoia and prejudice. "Our students do not need to be protected, and they are not in danger," she said. "Do we have assaults in our bathrooms or locker rooms regularly?"

Superintendent Scott Ziegler replied: "To my knowledge, we don't have any record of assaults occurring in our restrooms."

Board chair Brenda Sheridan asked, "Have we had any issues involving transgender students in our bathrooms or locker rooms?"

Ziegler answered:

> *Time Magazine in 2016 called that a red herring, that the data was simply not playing out that transgender students were more likely to assault cisgender students in restrooms than were other students. In fact, regardless of the gender identity of the student, if a crime or violation of the rules were committed, that would be investigated and dealt with to the full extent of the rules or the law.*
>
> …
>
> *I think it's important to keep our perspective on this, we've heard it several times tonight from our public speakers but the predator transgender student or*

> *person simply does not exist.*

Smith tried to contain himself as activists who prioritize "lived experience" and "believe women" ignored his daughter.

Nearly 250 members of the public had signed up to speak. Many of them were critical of the school system's racial and transgender initiatives. Others were supporters of the transgender policy who painted their neighbors as ignorant bigots, with one saying "hate" was "dripping from the followers of Jesus in this room." Opponents booed at that remark, and the board threatened to stop the meeting if participants were loud again.

After another speaker blasted the school board for suspending a teacher named Tanner Cross for speaking in opposition to a transgender proposal during the public comment portion of a previous meeting, the crowd cheered, and the board shut the meeting down. (Two courts later ruled that Cross must be reinstated.)

The response – a public body censoring the public as a direct result of it complaining about earlier censorship – was typical of what has made Loudoun County an avatar of the social instability brought by the politicization of schools.

This much you may know already: Infamously, after far-left board member Barts was elected in 2019, she lashed out at parents who disagreed with progressive – and teachers union-backed policies so often and with such vitriol that her peers – most of whom agreed with her views – censured her and stripped her of her committee assignments.

Barts retreated to a Facebook group, officially known as the Anti-Racist Parents of Loudoun County and later known to critics as Chardonnay Antifa, populated by other progressive government officials, teachers, and a small but highly engaged faction of activist-minded community members: "I'm losing any hope that remaining civil towards these people changes anything," one member wrote. "Avoiding these people isn't enough to stop the spread of their evil rhetoric."

Barts told the group that ethics rules were making it difficult for her to identify and call out such parents by name, and asked for help. The group took the hint and took up the banner.

They responded enthusiastically to a call to "hack" parents who questioned school board policies and "expose these people publicly." They set out making lists of parents who posed a risk to their school policy agenda, replete with their spouse's names, areas of residence, and employers.

Less understood, until now, is that these initiatives were not necessarily limited to behind a keyboard.

A frequent participant in the group was a woman named Jackie Schworm.

"Does anyone have a list of the parents who organized against the diversity library books?" Schworm posted, according to records subpoenaed from Facebook pursuant to a sheriff's criminal investigation into the group.

Schworm volunteered to help Hilary Hultman-Lee, a former teacher-turned-ringleader of the crusade, to find information about parents who

disagreed with school policies, writing of one, “I’ll see what I can find out. She blocked me a while ago.”

One member wrote that a conservative school board member, John Beatty, had once spoken to parents at a church and told attendees they “should tell the schools what they wanted taught.” Another member replied with an idea to convince the Southern Poverty Law Center to list disfavored local groups as “hate groups,” then cite that designation to give ammunition for the school board to “have them banned from speaking publicly at meetings.”

Schworm responded, apparently regarding Beatty: “He’s truly scary… Have seen him ‘around’ and he makes Michelle Leffler [a conservative mom who has called attention to sexual assault in LCPS] look sane.”

Schworm was at the June 22 school board meeting, wearing a shirt with a rainbow heart on it. As a Girl Scout troop leader, Jess had mentored Schworm’s daughter. Smith and Jess said Schworm sought them out in the crowd, demanded to know which side they were on, then berated them that they were wrong. “Jess, who is this?” Smith asked his wife.

“I thought she was my friend,” Jess replied.

Smith tried to tell her what happened to his daughter, he said. “And she looks me dead in the eyes and says ‘that’s not what happened.’”

Schworm noticed that Smith was wearing a shirt with the name of his plumbing business on it, “And she goes ‘Oh… I’m going to ruin your business on social media,’” he said.

“You’re a bitch,” Smith replied, in a confrontation captured on video. A police officer monitoring the tension-filled exchange pulled on Smith’s arm, he yanked it away, and soon, Smith and the officer were wrestling. Other officers pinned Smith to the ground, bloodying his lip in the process, as Smith uttered, “I can’t breathe.”

Jess cried out, in words lost in the chaos: “My child was raped at school, and this is what happens!”

Smith was charged with disorderly conduct and resisting arrest.

An Effort At “Restorative Justice”?

In an often-contradictory, nearly 40-minute call with The Daily Wire, Schworm contended she had no relationship to this topic, that she did not have any sort of argument with Smith, and did not know he had been arrested. “I’m a stay-at-home mom, I volunteer, I donate,” she said.

After The Daily Wire offered evidence of her involvement, she said she went over to ask Jess for a “play date” between their teenage daughters. She claimed that she asked Jess how she was doing, to which Jess purportedly responded: “We know CRT [critical race theory] isn’t real, but we don’t want them to know it.”

Schworm told The Daily Wire that if Smith’s daughter told them she was raped by “a Martian,” she would believe her, but also made repeated comments about the daughter’s mental stability.

As to her comments on the Facebook group about lists, seeing "scary" school board member John Beatty "around," and demonizing a parent named Michelle Leffler, she told The Daily Wire that the group was apolitical, she had never taken part in list-making activities, that "I've never seen John Beatty," and that "I have no idea who Michelle Leffler is." She later amended her remarks to say that both were racist.

After Schworm made repeated remarks about Smith's criminal conviction, The Daily Wire asked if a restorative justice circle – a technique pushed by progressive prosecutors as an alternative to punishment – would have been a positive resolution to the arrest.

The case would seem to be a better fit than most for the technique: It would mean getting everyone in a room to talk about what happened. The daughter shares her story, Schworm, Smith, and the cop talk about why they

did what they did, and everyone understands each other better. Schworm said she did not know what restorative justice was.

The Daily Wire told Schworm it was interested in the incident as an emblem of Americans talking past each other, dividing neighbors into camps populated by two-dimensional caricatures. Is it possible she did not hear what Smith was trying to tell her because she went over there with a predetermined conclusion and loud opinions, just as he may have done the same? Does learning of what his daughter went through now give her a more nuanced understanding of why Smith holds the beliefs on school policy that he does?

This attempt at quasi-restorative justice did not seem to cause any breakthroughs. Though it may never be known definitively what words were exchanged during the incident, the remark Schworm attributes to Jess – that Jess confessed that she "knows" that critical race theory does not exist, but hatched a plot to come to a school board meeting to trick rubes into thinking it does in order to stir them up – strains credulity.

An International Media Incident And A Humiliated Parent

The overweight white plumber in handcuffs has served as a two-dimensional caricature for a variety of ideologues all over the world for three months. No one knew what happened – but they were sure they knew exactly who he was anyway, and they hated it so badly that one suburb's town hall became an international media event.

Smith had to put up temporary fencing around his house for three days to keep the media out. "The radio and TV people were coming for days," he said. When he arrives at people's homes for early-morning plumbing jobs, he has a habit of bringing customers' newspaper in from the driveway for them, but for days, every newspaper he picked up had his bloodied face on it. When he finally laid in bed with his wife to get some rest, he turned on the TV and inevitably saw himself.

The body-positive crowd humiliated him for his looks. They mocked his inadvertent near-nudity, with one activist heckling online, "his gender pronoun is almost showing." The National School Boards Association cited Scott's arrest as an example of the sort of incidents that, they said, might justify invoking the anti-terrorism PATRIOT Act on U.S. citizens.

When it was all over, he was no longer politically uninvolved – nor moderate. Now, when people associated with left-wing activists call his plumbing company for service, "we started saying if you support this bulls—, call a different plumber."

What has happened to Loudoun County in the last two years is notable not because its population is especially far-left, but because it is not, and this has happened anyway. Loudoun is in many ways more typical of America, with a politically mixed population. Its western half is bucolic farmland. In 2015, every member of its county board of supervisors was Republican. Its congresswoman, until 2018, was Republican.

Smith graduated from LCPS in 1990, "when it was farms and cows and rednecks and we drank beers and smoked pot and got along with everyone.

There was no white and black issue. We all got along," he said. To this day Loudoun has no inner-city areas whose problems are the impetus for places like San Francisco to adopt left-wing policies. Just a lot of regular, two-parent suburban households.

In November 2019, progressive activists won public office in Loudoun with as little as 51% of the vote, and Democratic control was cemented. It is a peculiarity of Virginia law that local elections are held in odd-numbered years, leading to low-turnout elections that can be carried by small numbers of people with strong beliefs. Some of these elections were defined by the brazen intervention of outside interests. It was clear they were often more interested in national politics than in the everyday concerns of local residents.

Juli Briskman was a tech worker who happened to be captured by White House press corps photographers extending her middle finger at then-President Donald Trump's motorcade as it passed through the county, where his company owns a golf property. After national left-leaning publications had some fun with the photograph, her local employer fired her for the uncouth act, but she set up a GoFundMe that raised money from Trump critics across the country, in order to make up for lost wages. So much money poured in that she used the windfall to run for a position on the county's board of supervisors. She won, turning an obscure position previously concerned largely with activities like paving roads into a soapbox for national partisan affairs.

Biberaj, the prosecutor, was elected by a 1% margin after George Soros paid $845,000 to support her bid. Her opponent, the Republican incumbent,

spent $113,000 altogether, a more typical sum for a local race.

There is little evidence that Loudoun had problems with its treatment of marginalized minorities in the years before those pushing an agenda of identity politics took over: the county is only 7% black, and blacks have a median income of $112,000. But when left-wing activists crossed the 50% mark, they began using formerly apolitical institutions, such as schools and courts, as weapons in a nakedly partisan quest for power.

When citizens collected enough signatures to begin a court process recalling Barts, partly for her activities in the Anti-Racist Parents Facebook group, it would fall, under the vagaries of Virginia law, to Biberaj to prosecute the recall. Biberaj did not recuse herself, even though she was part of that group, and promoted a letter to the editor that mocked the recall effort and those opposed to transgender policies. A judge ultimately had to intervene to disqualify her.

There was one relief valve: the sheriff, which is an elected position for which voters chose Mike Chapman, a Republican. In response, the Democrat-controlled board of supervisors pushed for stripping the duties of the sheriff's office and creating a police force that would report to them instead.

A Disorderly Conduct Prosecution

Biberaj is known for leniency and alternatives to incarceration. On July 30, Peter J. Lollobrigido was released from jail on a $5,000 unsecured bond while facing charges of strangulation, abduction and assault on a family member. On September 19, he allegedly returned to finish the job, killing his wife with a hammer. A few days after Lollobrigido was released, on August 17, Smith faced court for two misdemeanors, disorderly conduct and obstruction of justice (resisting arrest), for the school board incident.

Lancaster, the Smith family's attorney, was sure the charges would be dropped. Instead, Biberaj – the top law enforcement officer in a county of 400,000 residents – showed up to personally try the misdemeanor case.

Lancaster explained in court that her client was angry after his daughter was sexually assaulted in a bathroom by a person identifying as "gender fluid," and reminded her that prosecutors had substantiated the assault and chosen to bring charges. But Biberaj sought jail time against Smith.

"It is incredibly unusual for a disorderly conduct case to even go forward. The idea that they would actually be seeking jail time, I'd guess in my 15 years the number of times I've seen that happen would be zero," Lancaster

told The Daily Wire. “It would be completely unheard of for *the* prosecutor to handle a misdemeanor.”

Biberaj was not just *the* top prosecutor. She was *the* prosecutor who had run on a platform of not jailing people for minor crimes, and for using alternate approaches like restorative justice.

“The idea that this is a person who we need to put in a cage was astounding to me given the social justice reform she was pushing. I was blown away,” Lancaster said.

“I’m a bleeding heart liberal,” Lancaster, a former public defender, said. But “I don’t get where the vitriol comes from…that if you don’t believe what I believe, you’re a monster.”

“I’ve known Buta for years. We’ve been colleagues for years,” she said. “When you’re a public defender you get to recognize the humanity of every single person, no matter what they look like or talk like. She used to do that, and I guess it’s gone. And that’s sad to me.”

The charges against Smith were so minor that there was no option to have a jury trial, which Smith believes he would have won. That option is available only through an appeal, which will cost him more than the thousands of dollars he has already spent on legal fees.

On August 11, the school board voted to approve the transgender policy. Smith could not sign up to speak so that policymakers could make their decision with knowledge of the Stone Bridge incident: Days before it, he

received a letter informing him he is banned from the school board building.

A Second Sexual Assault

Smith said nothing as his likeness traveled around the world, the avatar of ignorant bigotry. Advisors told him it would be better to let the process against his daughter's assailant play out. He did not want to risk interfering.

> ***"It has been so hard to keep my mouth shut and wait this out. It has been the most powerless thing I've ever been through," Smith said.***

"It has been so hard to keep my mouth shut and wait this out. It has been the most powerless thing I've ever been through," he said. "I don't care if he's homosexual, heterosexual, bisexual, transsexual. He's a sexual predator."

The culprit was expected to plead guilty on October 14, following the negotiation of a plea agreement. But on October 6, the Sheriff's Office put out a press release that led Smith to believe that the process was not working.

"A teenager from Ashburn has been charged with sexual battery and abduction of a fellow student at Broad Run High School. The investigation determined on the afternoon of October 6, the 15-year-old suspect forced

the victim into an empty classroom where he held her against her will and inappropriately touched her," it said.

A government official told The Daily Wire the name of the student. It was the same name as the boy who allegedly assaulted Smith's daughter.

The Daily Wire is withholding the name of the suspect because of his age. Reached at home, his mother declined to comment on the allegations.

The prosecutors with whom Smith and his wife had been communicating about the rape case "never alerted us" about the alleged repeat offense, Smith said. He did not believe it could actually be the same person.

But "we called his probation officer and he told me 'yep, I put him in juvy yesterday.'" They contacted the Special Victims Unit detective, "and she said 'I can't tell you what happened, but it happened and it's bad.'"

Jess contacted prosecutors, whom Jess said told her that his court date had been postponed from October 14 to October 25 in order to handle both charges together.

"I don't even know why he was at a school," Smith said. "Why was this motherf—er allowed to do this again?"

The Aftermath

Two girls, allegedly sexually assaulted in school, four months apart, by the same person. And so far, the only person to be convicted of a crime is the victim's father.

A school policy passed following what appear to be false statements from the superintendent – a policy whose passage would have been politically impossible had Smith's story seen the light of day.

Will this cause anything to change in Loudoun? Has anyone learned anything? There is no evidence that the answer is yes on either count.

Biberaj did not return a request for comment. Though the criminal justice system is a bedrock component of any community on which everyone must be able to rely, Biberaj did not respond to several inquiries from The Daily Wire over a period of months.

Though the injection of politics into schools and criminal justice have led to pain where there was none before, and enemies where there once were neighbors, it is possible – no less surreal than any other element of this story, at least – that some elected officials of Loudoun County might actually believe this story has a happy ending:

Though Smith's daughter has been allegedly raped and separately beaten at school, the teen has adopted increasingly strong progressive views over the course of her tenure at LCPS.

"Where does she get these ideas? From school, obviously," Jess said. "It's not from our home."

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